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Attorneys for the United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

FILED  
SEP 10 2007  
CLERK OF THE DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

UNITED STATES OF AMERICA,

Plaintiff,

v.

*Lyle Steven Wisemer*  
Defendant.

CRIMINAL NO. *CR07-70533PVT*

NOTICE OF PROCEEDINGS ON  
OUT-OF-DISTRICT CRIMINAL  
CHARGES PURSUANT TO RULES  
5(c)(2) AND (3) OF THE FEDERAL RULES  
OF CRIMINAL PROCEDURE

Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal  
Procedure that on 9/10/07, the above-named defendant was arrested based upon an  
arrest warrant (copy attached) issued upon an

☐ Indictment ☐ Information ☒ Criminal Complaint ☐ Other \_\_\_\_\_

pending in the Western District of Washington, Case Number MJ 07-359.

In that case, the defendant is charged with a violation(s) of Title(s) 18 United States Code,  
Section(s) 2252(a)(4)(B) + (b)(2)

Description of Charges: Possession of Child Pornography

Respectfully Submitted,  
SCOTT SCHOOLS  
UNITED STATES ATTORNEY

Date: 9/10/07

*Samuel*  
Assistant U.S. Attorney

AD 442 (Rev. 10/03) Warrant for Arrest

Amn

# UNITED STATES DISTRICT COURT

## WESTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA

V.

WARRANT FOR ARREST

LYLE STEVEN WISEMER

CASE NUMBER: **MT07-359**

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest LYLE STEVEN WISEMER

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment ☐ Information ☒ Complaint ☐ Order of court ☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice

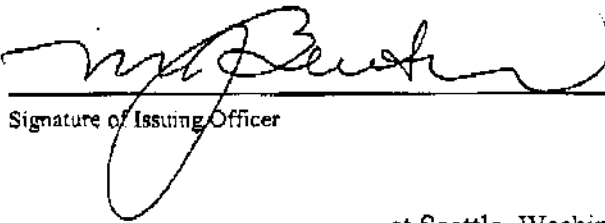
charging him or her with (brief description of offense)

Possession of Visual Depictions of Minors Engaged in Sexually Explicit Conduct

in violation of Title 18 United States Code, Section 2252(a)(4)(B) and (b)(2)

MONICA J. BENTON

Name of Issuing Officer



Signature of Issuing Officer

United States Magistrate Judge

Title of Issuing Officer

at Seattle, Washington

Date and Location

ORIGINAL FILED COPY  
ARREST: BRUCE PERLIN  
Clerk, U.S. District Court

Western District of Washington

RETURN

This warrant was received and executed with the arrest of the above-named defendant

at \_\_\_\_\_

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

CERTIFIED TRUE COPY  
ATTEST: BRUCE BENKIN  
Clerk, U.S. District Court  
Western District of Washington  
By [Signature]

FILED ENTERED  
LOGGED RECEIVED

JUL 31 2007

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON DEPUTY

BY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LYLE STEVEN WISEMER,

Defendant.

MAGISTRATE'S DOCKET NO.  
CASE NO. MT 07-359

COMPLAINT for VIOLATION

18 U.S.C. § 2252(a)(4)(B)  
and (b)(2)

BEFORE the Honorable Monica J. Benton, United States Magistrate Judge, Seattle, Washington.

The undersigned complainant being duly sworn states:

**COUNT 1**  
**(Possession of Visual Depictions of Minors Engaged in Sexually Explicit Conduct)**

On or about September 1, 2006, at Anacortes, within the Western District of Washington, LYLE STEVEN WISEMER did knowingly and unlawfully possess visual depictions, the production of which involved the use of a minor engaging in sexually explicit conduct and the visual depictions were of such conduct, visual depictions which had been mailed, shipped, and transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 2252(a)(4)(B) and (b)(2).

Jennifer Hinckley, the complainant, states that this complaint is based on the following:

1           1.     I am a Special Agent with U.S. Immigration and Customs Enforcement  
2 ("ICE") in the Department of Homeland Security in Blaine, Washington. I have been an  
3 agent of ICE for three years. As part of my duties, I investigate criminal violations  
4 relating to child exploitation and child pornography including violations pertaining to the  
5 illegal production, distribution, receipt, and possession of child pornography. I have  
6 received training in the area of child pornography and child exploitation, and have had the  
7 opportunity to observe and review examples of child pornography (as defined in  
8 18 U.S.C. § 2256) and I have participated in the execution of previous search warrants,  
9 which involved child exploitation and child pornography offenses.

10           2.     This Affidavit is based on my personal knowledge and on information from  
11 other law enforcement officers. I have not included all information gathered during the  
12 investigation, but rather only enough information to establish probable cause.

13                     **THE "ILLEGAL CP" WEBSITE**

14           3.     This case began with an investigation by the United States Attorney's  
15 Office for the District of New Jersey and the New Jersey offices of ICE into a commercial  
16 website labeling itself "illegal.CP" (the "Illegal CP website"). This website offers  
17 subscribers access to thousands of images and videos of child pornography. The  
18 investigation has revealed that the owners and operators of the "Illegal CP" website have  
19 conspired with other corporate entities and individuals, including the operators of a  
20 company known as "AD-SOFT," to commercially distribute child pornography.

21           4.     In October 2005, agents with ICE located the "Illegal CP" website at a  
22 URL of <http://hualama.cjb.net/>, accessible via the Internet, at that time through another  
23 web page located at a URL of <http://deadundead.info/main.html>, which was accessible  
24 via the Internet, including from New Jersey. The banner page of the website, that is, the  
25 page which initially appeared and which did not require the person accessing the website  
26 to provide any financial or personal information, labeled itself "illegal.CP," and featured  
27 more than one dozen images of what appear to be minors engaging in sexual acts with  
28 other minors or adults. The banner page proclaimed that "[n]ow you are in [sic] few

1 minutes away from the best children porn site on the net!," and promised that "[i]f you  
2 join this site you will get tons of uncensored forbidden pics (over 5 at this moment),  
3 forbidden stories, and, of course, many videos." The banner page also featured purported  
4 feedback from a self-described pedophile who praised the website. The words "join  
5 now" appear at the top and bottom of the page.

6 5. On October 26, 2005, an ICE agent, acting in an undercover capacity  
7 ("UC-1") purchased access to the "Illegal CP" website after accessing this banner page.  
8 On October 27, 2005, an e-mail from theodore\_dykstra@hotmail.com was received at the  
9 undercover e-mail address established by ICE agents. That e-mail provided UC-1 with a  
10 login and a password to a URL of <http://hualama.cjb.net/>. The e-mail message also  
11 indicated that the credit card charges would appear on UC-1's credit card bill as  
12 "ADSOFT" and would include a charge for \$79.99.

13 6. Upon entering the login and password provided via the e-mail from  
14 theodore\_dykstra@hotmail.com, UC-1 was able to gain access to the "Illegal CP"  
15 website. The login and password block stated that UC-1 was being connected to the IP  
16 address of "72.29.83.114." Upon accessing the website, a URL of <http://hualama.cjb.net>  
17 appeared. The top of the initial page which appeared upon entry into the website stated as  
18 follows: "FAQ, Please read. 'Our site is considered to be illegal in all countries. . . .  
19 Even if you ever have problems with police, you can always say that someone had stolen  
20 the information from your credit card and used it. It is very difficult to establish that you  
21 were the person to pay.'"

22 7. Upon examination of the contents of the website, ICE agents determined  
23 that it contained thousands of what appeared to be images of child pornography. Upon  
24 placing the cursor over a particular image, a URL was listed at the bottom of the screen of  
25 "[72.29.83.114/~medialo/1/index.html](http://72.29.83.114/~medialo/1/index.html)." The website contained both still images and  
26 videos of child pornography, and offered the purchase of additional videos through the  
27 website. For example, three of the still images of child pornography found on the "Illegal  
28 CP" website are described as follows:

1 <http://72.29.83.114/~medialo/1/pics/300/0013.jpg>: This  
2 image depicts a nude, adult male sitting upon a floor with his  
3 legs spread wide apart. A nude, prepubescent female is also  
4 depicted, and she is lying on her back with her legs spread  
5 apart. The left hand of the male is holding the female's right  
6 leg. His erect penis appears to be penetrating the  
7 prepubescent female's vagina.

8 <http://72.29.83.114/~medialo/1/pics/300.0022.jpg>: This image  
9 depicts a nude prepubescent female in a standing position.  
10 She is facing an adult male who also appears to be standing.  
11 The male is wearing what appears to be a dark-colored robe,  
12 but his genital area is exposed. The prepubescent female has  
13 her left hand wrapped around the male's penis and appears to  
14 be performing fellatio upon him.

15 <http://72.29.83.114/~medialo/1/pics/300/0073.jpg>: This  
16 image depicts what appears to be an adult male wearing a  
17 white shirt who is nude below the waist. He appears to be  
18 lying upon a bed with red pillows. A nude, prepubescent  
19 female is sitting upon the bed next to the male. Her legs are  
20 bent so that her buttocks rest on her feet. Her right hand is  
21 holding the male's penis.

22 8. Through the use of a commercially available search tool, law enforcement  
23 agents were able to determine that the IP address listed for the "Illegal CP" website –  
24 72.29.83.114 – was associated with a server based in Orlando, Florida, which hosted the  
25 content of the "Illegal CP" website during October and November 2005. The search tool  
26 revealed that the server is owned by HostDime.com, Inc., 111 N. Orange Avenue,  
27 Suite 1050, Orlando, Florida. This information was verified on or about November 14,  
28 2005, and a representative of HostDime.com confirmed that it was in possession of the  
server in question on or about November 16, 2005.

29 9. A search of the server on which the contents of the "Illegal CP" website  
30 were maintained was performed on November 17, 2005, pursuant to a court-authorized  
31 search warrant. A review of the contents of this server revealed the presence of  
32 thousands of images and videos of child pornography. Further, a review of the contents  
33 of the server revealed the IP address for all contacts with the content maintained on the  
34 server (the "Illegal CP" website) that had occurred from on or about November 9, 2005,  
35 through on or about November 17, 2005. Specifically, this data revealed that hundreds of  
36 IP addresses presumably associated with individual subscribers had visited the "Illegal



1 CP" website during this nine-day period. The data also demonstrated which individual  
2 images had been accessed by each IP address. On December 14, 2005, and January 5,  
3 2006, two additional search warrants were executed on the HostDime server on which the  
4 contents of the "Illegal CP" website were hosted through December 2005. Both searches  
5 produced additional log files documenting contacts from specific IP addresses with  
6 particular images contained on the "Illegal CP" website. During November and  
7 December 2005, it appears that the operators of the "Illegal CP" website shifted the  
8 location of the contents of the "Illegal CP" website to a different server and began  
9 phasing out the use of the HostDime.com server.

10 10. On December 23, 2005, the Honorable William J. Martini, United States  
11 District Judge for the District of New Jersey, signed an order authorizing the interception  
12 of electronic communications occurring over the e-mail account of  
13 theodore\_dykstra@hotmail.com (hereinafter the "Dykstra Hotmail Account"). Actual  
14 interception pursuant to that order commenced on December 27, 2005. Over the  
15 following thirty day period, numerous pertinent e-mail communications were intercepted  
16 pertaining to individuals attempting to gain access to the "Illegal CP" website. Based on  
17 those interceptions, ICE agents have been able to determine the following:

18 a. The individual or individuals controlling the Dykstra Hotmail  
19 Account receives the information submitted by an individual attempting to subscribe to  
20 the "Illegal CP" website by some means or pathway other than the Dykstra Hotmail  
21 Account. That information includes the name of the subscriber, the subscriber's address,  
22 the subscriber's credit card information and the subscriber's e-mail address.

23 b. The individual or individuals controlling the Dykstra Hotmail  
24 Account then transmit this information via an attachment to an e-mail to one of the  
25 following e-mail addresses: joe777@mail.ru, admin@sib-games.com and  
26 admin@ad-soft.net. The Dykstra Hotmail Account then receives a return e-mail, typically  
27 on the same day, from one of the previously referenced e-mail accounts (joe777@mail.ru,  
28 admin@sib-games.com or admin@ad-soft.net) which effectively advises whether the

1 individual should be accepted or rejected as a subscriber or whether some other action  
2 should be taken.

3 c. Finally, an e-mail from the Dykstra Hotmail Account is sent to the  
4 individuals whose credit card information has been satisfactorily verified (a) informing  
5 them that they have been granted access to the "Illegal CP" website; (b) providing a  
6 password and login (typically those which have been previously selected by the would-be  
7 subscriber); and (c) supplying at least one link to the "Illegal CP" website. Accordingly,  
8 the interception of electronic communications over the Dykstra Hotmail Account  
9 provided direct evidence of those individuals who had successfully subscribed to the  
10 "Illegal CP" website.

11 d. In instances when the operator or operators of the Dykstra Hotmail  
12 Account desired that a would-be subscriber gain access to the "Illegal CP" website via  
13 E-Gold, an e-mail would be sent to that individual providing a link where the individual  
14 could access instructions for making payment through E-Gold. For those who were  
15 already able to make a payment through E-Gold, the e-mail listed one of two E-Gold  
16 accounts controlled by the operator or operators of the Dykstra Hotmail Account through  
17 which a subscriber could make a direct payment.

18 11. Interception of electronic communications over the Dykstra Hotmail  
19 Account ended (pursuant to the December 23, 2005, order) on January 25, 2006.  
20 Pursuant to an order signed by the Honorable William J. Martini authorizing continued  
21 interception of electronic communications over the Dykstra Hotmail Account,  
22 interception resumed on January 27, 2006, and continued through February 25, 2006.  
23 During this time period, hundreds of individuals within the United States were granted  
24 access to the "Illegal CP" website.

25 12. During the period of authorized interception, ICE agents determined that  
26 the operator(s) of the "Illegal CP" website had shifted the contents of the website to a  
27 new server located in McLean, Virginia, which began hosting the content of the website  
28 as early as December 2005. On February 1, 2006, a search of a server maintained by an



1 ISP known as HopOne was conducted pursuant to a court-authorized search warrant.  
2 That search revealed the presence of thousands of images and videos of child  
3 pornography from the "Illegal CP" website contained on the server. In addition,  
4 numerous log files ranging from the period from October 2005 through February 1, 2006,  
5 were recorded which documented contact by numerous IP addresses. These log files also  
6 included a variety of data of individuals who were members of the "Illegal CP" website  
7 including a member's ID, a member's login, the member's e-mail address, and the date  
8 and time when the member's subscription began and the IP address. For each particular  
9 video or image which had been accessed by a member, the log files provided the  
10 member's ID, the IP address of the individual accessing the particular image and the date  
11 and time when that particular image had been accessed.

12 13. A second court-authorized search warrant was obtained for this server on or  
13 about March 2, 2006, which provided log file information from February 1 through  
14 February 7, 2006, at which time the ISP shut down the website. The website was  
15 subsequently established on a third server after a disruption in access to the website which  
16 lasted several days, and which resulted in the operators of the "Illegal CP" website  
17 offering free access to archives of child pornography associated with the website to its  
18 inconvenienced subscribers.<sup>1</sup> As a result, a number of individuals who had a current  
19 subscription to the "Illegal CP" website at the time of the disruption in service sent  
20 e-mails informing the operator or operators of the Dykstra Hotmail Account specifying  
21 the particular archive to which they desired access. In response, an e-mail from the  
22 Dykstra Hotmail Account would be sent providing a link to the archive and a password.  
23 Agents determined that the content of the "BIG CP MOVIE" archive was maintained by  
24 an ISP known as PiloSoft on a server located in New York City.

25  
26  
27 <sup>1</sup> The location of the third server was in Russia, therefore ICE agents were unable to obtain a  
28 search warrant for the website content after February 7, 2006. Anybody who subscribed to  
the website after February 7, 2006, will not have any log files pertaining to content accessed  
from the website.

14. On or about April 21, 2006, a search warrant of this server was conducted pursuant to a Court-authorized search warrant. A review of the contents of this server revealed the presence of numerous videos of child pornography including many of those which had been advertised through the "Illegal CP" website and which had been offered as compensation to those whose subscribers who had experienced a disruption in access to the website in February of 2006. The server also contained log files which included, among other data, the subscriber's IP address, the particular file containing the archive to which the subscriber had sought access, and the date and time when the subscriber's IP address had been used to gain access to the file in question.

**WISEMER'S SUBSCRIPTION TO THE "ILLEGAL CP" WEBSITE**

15. ICE agents have determined that an individual named LYLE WISEMER, who currently resides at 1019 22<sup>nd</sup> Street #14, Anacortes, Washington 98221, has subscribed to the "Illegal CP" website and has received child pornography.

16. On or about February 12, 2006, ICE agents intercepted the first of several e-mails transmitted over the Dykstra Hotmail Account which were relevant to the receipt and possession of child pornography by LYLE WISEMER. At approximately 02:14 p.m. PST, the operator or operators of the Dykstra Hotmail Account sent an e-mail to admin@ad-soft.net as an apparent request to verify the credit card and other information submitted by various individuals who bought subscriptions to the "Illegal CP" website. This data was included in an attachment to the e-mail which ICE agents were able to decode using commercially available software. Among those individuals seeking access to the website was an individual who listed his name as LYLE WISEMER. He provided an address of 1019 22<sup>nd</sup> Street #14, Anacortes, Washington, with a zip code of 98221. He also listed his e-mail address as wiseguy1080@peoplepc.com and provided a telephone number of 360-293-0278. He also provided a credit card number of \*\*\*\*\*7473, and listed the card's expiration date. Also included in this data were his selected login of "wiseguy10" and his selected password of "sonics." In addition, the data from this e-mail

1 included the IP address, 207.200.116.6, as the address from which LYLE WISEMER had  
2 submitted his information.

3 17. On or about February 13, 2006, at approximately 3:08 p.m. PST, ICE agents  
4 intercepted an e-mail message to the Dykstra Hotmail Account from admin@ad-soft.net  
5 to the operators of the Dykstra Hotmail Account. This e-mail contained the e-mail  
6 addresses of numerous individuals seeking a subscription to the "Illegal CP" website and  
7 listed a variety of codes next to these addresses indicating whether, among other things,  
8 their credit card payment should be accepted or declined or whether they should be  
9 referred for payment through E-gold. For those for whom granting a subscription was  
10 advised, a notation of "term" followed by four or five digits was listed by their e-mail  
11 address. Within the list contained in this e-mail was the e-mail address for LYLE  
12 WISEMER, namely, "wiseguy1080@peoplepc.com," followed by the notation  
13 "term23293" indicating that his credit card payment should be accepted.

14 18. On or about February 13, 2006, at approximately 11:36 a.m. PST, ICE  
15 agents intercepted an e-mail message from the Dykstra Hotmail Account to the e-mail  
16 addresses of a number of individuals who had attempted to subscribe to the "Illegal CP"  
17 website. Among the recipients of this message was wiseguy1080@peoplepc.com, the  
18 e-mail address of LYLE WISEMER. The message informed the recipients that they had  
19 been granted access to the "Illegal CP" website by stating the following: "Hello. . . .  
20 !!!!!You have been billed by ADSOFT for 79.99!!!!!!...Login: wiseguy10, Password:  
21 sonics, Your account will be activated in 24 hours." The message then provided three  
22 links to the "Illegal CP" website, stating "For entering, use one of the these urls:  
23 <http://mhumbu.badlink.net/> . . . <http://pliac.hotfire.net/> . . . <http://fargo.sel.to/>."

24 19. On or about February 18, 2006, at approximately 12:39 a.m. PST,  
25 wiseguy1080@peoplepc.com sent an email to the site support -  
26 theodore\_dykstra@hotmail.com which read, "Hello, I cannot seem to log on to the site.  
27 Please help me. Thank you...Lyle."  
28

1       20. On February 18, 2006, at approximately 2:12 a.m. PST,  
2 theodore\_dykstra@hotmail.com sent an email to wiseguy1080@peoplepc.com which  
3 read, "Please specify what error message you receive trying to enter the member's area.  
4 We will do our best to help you."

5       21. On or about February 18, 2006, at approximately 5:18 p.m. PST,  
6 wiseguy1080@peoplepc.com sent an email to theodore\_dykstra@hotmail.com which  
7 read, "It says IP limit exceed. Try later. Please help. Thank you."

8       22. On or about February 19, 2006, at approximately 2:11 a.m. PST,  
9 theodore\_dykstra@hotmail.com sent an email to wiseguy1080@peoplepc.com which  
10 read, "Try it now."

11       23. On or about June 21, 2006, ICE agents received the subpoenaed credit card  
12 billing records of LYLE WISEMER from Bank of America. Those records revealed that  
13 LYLE WISEMER's Visa, which has a credit card number of \*\*\*\*\*7473, had  
14 been billed \$79.99 by "AD SOFT" with a transaction date of February 13, 2006. This  
15 credit card number corresponds to the number for LYLE WISEMER which had been sent  
16 in the e-mail message from the Dykstra Hotmail Account to admin@ad-soft.net on or  
17 about February 13, 2006.

18                   **THE SEARCH OF WISEMER'S APARTMENT**

19       24. Based in part on the information described above, I applied for a warrant to  
20 search WISEMER's apartment at 1019 22<sup>nd</sup> Street #14, Anacortes, Washington, for  
21 evidence of crimes involving child pornography. United States Magistrate Judge  
22 James P. Donohue issued the warrant on August 31, 2006.

23       25. On September 1, 2006, at approximately 9:00 a.m., ICE agents and two City  
24 of Anacortes Police Officers, who assisted ICE in the execution of the search warrant,  
25 approached WISEMER's apartment. The Officers knocked on WISEMER's apartment  
26 door and they heard a male voice, who was later identified as WISEMER, tell them to  
27 "hold on." The Officers waited approximately five seconds and knocked again.  
28

1 WISEMER then stated, "Give me a minute to get some clothes on." The Officers waited  
2 approximately one minute before WISEMER opened the door to speak with them.

3 26. Agent Herschlip and I explained to WISEMER that the Search Warrant  
4 gave us permission to be there and asked him if he had any questions. WISEMER wanted  
5 to know what it was for. I told WISEMER that it had to do with some of his Internet  
6 activity. Right after WISEMER was told it was Internet related he stated, "I am addicted  
7 to porn." I explained to WISEMER that before we discussed the situation any further that  
8 I needed to read him his Miranda rights. After advising WISEMER of his rights at  
9 approximately 9:08 a.m., WISEMER signed the Waiver portion of the Statement of  
10 Rights form.

11 27. WISEMER verified that his name was LYLE STEVEN WISEMER and that  
12 his date of birth is June 17, 1966. During the course of the interview with WISEMER he  
13 stated that he has never touched a child and never would. WISEMER stated that his most  
14 recent Internet download was two days prior to this search warrant. WISEMER stated  
15 that none of his VHS tapes have child pornography on them. WISEMER did state that  
16 there was some adult pornography on the VHS tapes but no child pornography.  
17 WISEMER stated that he prints out pictures of child pornography from the child  
18 pornography websites. WISEMER stated that he would store the images in his "My  
19 Pictures" folder on his computer.

20 28. WISEMER stated that he considers the images he looks at as "child  
21 modeling." WISEMER stated that he did not think it was illegal. WISEMER explained  
22 further that there are non-nude sites that he goes onto. Those are the sites WISEMER  
23 considers "child modeling." WISEMER admitted that he had come across some sites  
24 with nude children and had downloaded and printed out images from those websites.  
25 WISEMER then stated that he does knowingly look for nude and non-nude sites with  
26 children on them. WISEMER made clear that he only downloads and prints the images  
27 and that he does not mail the photos out or distribute them. WISEMER stated that he has  
28 never seen an individual that he knows in the child pornography pictures. WISEMER

1 stated that looking at the images is "purely fantasy" and that he does not take any photos  
2 of kids, nude or non-nude. WISEMER stated that he does "girl watch" (notice women, in  
3 a sexual sense, when they walk by), but never little kids.

4 29. WISEMER stated that he usually has to pay to gain access into the websites  
5 and that he typically uses one credit card to purchase site access. WISEMER stated that  
6 occasionally he would use a different credit card but typically uses just the one.

7 WISEMER stated that he banks with Bank of America and WISEMER gave Sergeant  
8 Korterud and Officer Alves the contents of his wallet including his credit cards so that the  
9 Sergeant could make copies of those documents. The Bank of America credit card with  
10 the number 4427103008797473 was among the items WISEMER gave to the Officers.  
11 Credit card 4427103008797473 is the credit card listed on WISEMER's sign-up sheet for  
12 the "Illegal CP" website. WISEMER could not remember how the purchases for the  
13 child pornography websites showed up on his credit card statement.

14 30. WISEMER confirmed that his email address is  
15 wiseguy1080@peoplepc.com.

16 31. WISEMER stated that he had moved to Washington about five years ago  
17 and has been accessing child pornography for the last two years. WISEMER stated that  
18 he has not chatted on-line for years and that the last time he did chat it was with adults  
19 and there was no sexual discussion. WISEMER stated that he has never chatted with  
20 kids.

21 32. WISEMER stated that the only other person who has access to his  
22 apartment is a female named Connie. WISEMER stated that Connie does not use his  
23 computer. WISEMER stated that Connie does have a 17 year old child and also had  
24 another child that just died in a car accident. WISEMER stated that he had never seen  
25 Connie's children.

26 33. One of the many items seized during the search warrant was a large box  
27 containing printed photos of children which varied from clothed to nude. There were  
28



1 approximately 1,840 printed out images in that box. I reviewed the images on these  
2 photos and three of the images are described below:

3 a. Image 1 – This image depicts a white adult male sitting in a chair  
4 next to a computer desk. The male has an erect penis which is exposed out the left leg  
5 opening of the blue shorts he is wearing. The white male's legs are spread apart and there  
6 is a young female child is standing between the adult male's legs and she is holding the  
7 male's erect penis in her left hand while licking his penis with her tongue. The young  
8 female child's pants and underwear are pulled midway down her legs to her knee area.  
9 She is wearing a flowered long-sleeved white shirt. The young female child has blonde  
10 hair and brown eyes.

11 b. Image 2 – This image depicts a white juvenile female lying nude on  
12 her back on top of a floral bedspread. There is a white adult male who appears to be  
13 straddling the juvenile female's legs. It appears as though there is seminal fluid being  
14 released from the adult male's penis and suspended above the juvenile female's legs. The  
15 female has light brown hair and brown eyes. There is slight breast development and no  
16 visible pubic hair on the female.

17 c. Image 3 – This image depicts a prepubescent white female who is  
18 shown nude from the waist to the mid thigh area. The prepubescent female is lying on  
19 her back, nude with her legs spread apart. There is an adult white male who is shown in  
20 the genital area and is penetrating the prepubescent female's genital area.

### 21 COMPUTER FORENSICS

22 34. On September 7, 2006, Computer Forensic Analyst (CFA) William Darrah  
23 conducted a forensic examination of the computer seized from WISEMER's apartment.  
24 Using hash values, CFA Darrah observed 89 video files that had hash matches for files  
25 encountered during child pornography investigations. CFA Darrah also observed three  
26 video files that he believed depicted child pornography involving pain and/or bondage.  
27 CFA Darrah observed 68 files (19 videos) that he believed depicted child pornography.  
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1           35. On July 25, 2007, I received a phone call from Anacortes Police  
2 Department Sergeant Lou D'Amelio. Sergeant D'Amelio informed me that WISEMER  
3 was fired from his job at Brown and Cole in April 2007 and was then employed with the  
4 Lopez Market on Lopez Island, from which he was fired on July 15, 2007. WISEMER's  
5 co-worker stated that WISEMER had recently been consuming a fair amount of alcohol  
6 apart from work. Sergeant D'Amelio stated that WISEMER was arrested on a DUI  
7 charge at the beginning of July 2007. Sergeant D'Amelio informed me that WISEMER's  
8 landlord was called by WISEMER's downstairs apartment neighbor who reported water  
9 leaking through WISEMER's floor into his apartment. The landlord went to resolve the  
10 leak and was unable to contact WISEMER. The landlord then gained access to  
11 WISEMER's apartment using her set of keys and found WISEMER's apartment to be  
12 completely disheveled. Reportedly there was water all over the floor from the toilet being  
13 smashed and the cupboards were ripped off of the wall and on the floor. Few items were  
14 left behind and one neighbor stated that she heard WISEMER state that he was leaving to  
15 make a fresh start somewhere else.


16           36. Based on my investigation, I respectfully submit that there is probable cause  
17 to believe that on or about September 1, 2006, at Anacortes, Washington, within the  
18 Western District of Washington, and elsewhere, LYLE STEVEN WISEMER did  
19 knowingly possess, and attempt to possess, a computer hard drive that contained visual  
20 depictions that had been mailed or had been shipped or transported in interstate commerce  
21 or foreign commerce, or which had been produced using materials that had been mailed  
22 or so shipped or transported, by any means including by computer, that is, visual  
23 depictions the production of which involved the use of minors engaging in sexually

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1 explicit conduct, and the visual depictions were of such conduct, and did receive such  
2 materials, all in violation of Title 18, United States Code, Sections 2252A(a)(5)(B),  
3 (b)(2), and 2256.

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5   
6 JENNIFER HINCKLEY, Complainant  
7 Special Agent, Immigration and Customs Enforcement

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9 Based on the Complaint and Affidavit sworn to before me, and subscribed in my  
10 presence, the Court hereby finds that there is probable cause to believe the defendant  
11 committed the offenses set forth in the Complaint.

12 DATED this 31 day of July, 2007.

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15 MONICA J. BENTON  
16 United States Magistrate Judge  
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